

REMARKS

Claims 1-35 and 37 remain in the application.

The examiner has withdrawn claims 6, 7, 13, and 33-35 from further consideration. Claims 6, 7 and 13 are considered specific to their generic parent claims and await allowance of their parent claims. The restriction of method claims 33-35 continues to be traversed for the un rebutted reasons presented in the response of August 13, 2008.

The examiner objects to the drawings under 37 CFR 1.84(p)(5) for illustrating element 150 in FIG. 13, which is not described in the text. The text on page 14 has been amended to correspond to FIG. 13 including reference to element 150. Apparently, the breakaway view was introduced in a later version of the drawings which was not then reflected in the text.

The examiner also objects to the drawings under 37 CFR 1.83(a) as failing to show every feature of the invention specified in the claims. Although it is felt that the central axis recited in the claims is not a claimed feature requiring labeling, the drawings and text have been amended to show a central axis 81, as is supported at page 7, line 22 and is also inherent in the filed application as understood by the ordinary mechanic. It is also noted that the first clearance is defined in the claim as the difference between the first and second diameters, which are themselves illustrated.

(a) third sidewall of claim 12 reads upon sidewall 84 of FIG. 6;

(b) axis of claims 1, 10, 14, and 24 reads on central axis of amended FIG. 4; alternatively the axis reads upon the linearly extending surface of the element referencing the axis;

(c) inner first diameter in claim 14 reads upon the horizontal distance between the interiors of two opposed portions of sidewall 80 of FIG. 6;

(d) outer second diameter in claim 14 reads upon the horizontal distance between the exteriors of two opposed portions of sidewall 80 of FIG. 6;

(e) second axis in claim 14 reads upon axis 81 of FIG. 6;

(f) inner third diameter in claim 14 reads upon horizontal distance between interiors of two opposed portions of sidewall 88 of FIG. 6;

(g) outer fourth diameter in claim 14 reads upon horizontal distance between exteriors of two opposed portions of sidewall 88 of FIG. 6;

(h) third sidewall in claim 14 reads upon lip 86 of FIG. 6;

(i) inner fifth diameter in claim 14 reads upon the horizontal distance between interiors of two opposed portions of lip 86 of FIG. 6;

(j) first clearance in claim 14 reads upon twice the thickness of joint 92 of FIG. 6;
and

(k) outer sixth diameter of in claim 14 reads upon the horizontal distance between two exteriors of two opposed portions of lip 86 of FIG. 6.

The examiner objects to the specification because of a number of specified informalities. The errors arose during renumbering in preparation of the application. The informalities have been corrected.

The examiner objects to claims 12 and 14 because the third sidewall in claim 12 is not shown in the drawings. As stated above for the Rule 83 objection, the third sidewall in claim 12 reads on sidewall 84 of FIG. 6. The examiner objects to claims 1, 10, 14, and 24 because the axis is not shown in the drawings. The amended drawings include central axis 81.

The examiner has rejected claims 12 and 14 under 35 U.S.C. §112, ¶1 for failing to comply with the written description requirement because several claimed elements are not described in the specification. Once again, the third sidewall in claim 12 reads on sidewall 84 of FIG. 6 and the axis and second axis read on amended axis 81. The remaining elements have been addressed above for the Rule 83 objection. It is also noted that clearance is defined not only in the claim 14 but also defined at page 8, lines 4-9 of the filed application. As a result, this rejection should be removed.

The examiner has rejected claims 1, 4, 5, and 9 under 35 U.S.C. §102(b) as being anticipated by Podlesny et al. (U.S. patent 4,896,131, hereafter Podlesny). The rejection is traversed. The examiner states that an "adhesive could mean a material capable of fastening two

other materials together by means of a surface attachment; the inner side of elements 30, 32.” The relevance of this statement is not understood. An adhesive is a well known term and the ordinary mechanic in the relevant art does apply the term to a mechanical surface attachment. Applicant acting as their own lexicographer cannot be understood to include a mechanic surface attachment as being an adhesive, particularly in view of their pouring adhesive into their cans. Poslesny describes no adhesive. At most he describes at col. 3, lines 17-19 plastic halves 30 and 32 joined together at a mating joint 34. Most likely, the plastic halves 30, 32 are fused together. Even if an adhesive were used, it would be applied only to the joint 34 and not to between the halves and the magnet 28. The examiner identifies the second can with Podlesny’s half 30 and the annular lip with the portion of Podlesny’s pivot boss 26. Any possible adhesive associated with Podlesny’s joint 34 is not disposed between his magnet and the walls of his halves 30, 32 and not disposed between his pivot boss 26 on one half 32 and a sidewall of the other half 30.

Further, the claimed annular lip is disposed on a side of the first sidewall of the first can opposite the magnetic member. In contrast, Podlesny’s pivot boss 26 on his second half 32 is disposed on the same side of the sidewall of Podlesny’s first half 30 as his magnetic member 28.

In the interest of simplifying prosecution, claim 1 has been amended to require that the annular lip surround the first sidewall. Clearly, Podlesny’s pivot boss on his second half 32 does not surround his first half 30, especially not the portion of first half 32 adjacent the joint 34. Also, the adhesive is now recited to both be disposed between and to bind together (as supported at page 12, line 1), which is believed to be inherent in the previous recitation.

Claim 9 requires that the cans be stamped. In contrast, Podlesny’s halves are molded from plastic. No prior art is cited for plastic being stampable to form structures similar to magnet cans. Method limitations to product claims are not inherent; they cover equivalent fabrication methods. Molding plastic is not equivalent to stamping a malleable and permanently deformable material. Stamping plastic seems infeasible in view of the polymeric structure of plastics.

The examiner has rejected claims 2, 3, and 8 under 35 U.S.C. §103(a) as being obvious over Podlesny. The examiner’s attempt to read a dimension from Poslesny’s FIG. 3 assumes that the drawing is not only to scale but has a unity scale. Patent drawings are not allowed to be read

to scale unless the written specification supports such a reading. Podlesny's plastic housing is likely to have a thickness of greater than the claimed 0.64mm.

The examiner's disregard of the composition of the Podlesny's housing as being stainless steel. First, the housing needs to pass magnetic fields, not to prevent their passage. Secondly, there is no suggestion that applying a stainless steel housing to Podlesny's carpenter tool would benefit the intended use of the tool.

The examiner has rejected claims 10-12, 14, and 37 under 35 U.S.C. §102(a) as being anticipated by Komura et al. (U.S. patent 6,608,415, hereafter Komura). This rejection is traversed. However, in the interest of clarity claim 10 has been amended to recite that the adhesive binds together the parts.

The examiner identifies in FIGS. 2 (a) and (b) first can 10, and second can 5. The examiner's identification of the magnet is unclear but he seems to indicate rotor magnet 8. However, a primary feature of Komura's spindle motor is that the rotor and stator (motor coil) associated respectively with the cans 5, 10 can not only rotate with respect to each other but also can move vertically with respect to each other during motor start up. That is, Komura's cans are not bound or fixed to each other and do not form a magnet encapsulation or enclosure as recited in claim 10 because to do so would defeat the purpose of his motor. Further, the rotor magnets are not enclosed within the two cans 5, 10 but have portions exposed to the exterior through the annular gap between the two cans 5, 10. For the claimed adhesive, the examiner cites col. 6, lines 29-38. This passage however refers to the two annular magnets 11, 12 of FIGS. 3 (a) and (b) mounted respectively on the rotating cylinder 4 and the stationary hollow cylinder 6. As a comparison between FIGS. 3 (a) and (b) show, these elements also move vertically with respect to each other. That is, the cited adhesive is not disposed between Komura's cans 5, 10 and does not bind them together or both of them to a single magnet.

Claim 14 has been amended to require that the clearances are less than 0.25mm, as supported at page 7, line 25. Such a small clearance is effective for encapsulation magnets but is too small for a mechanical motor driving a magnetic disk (col. 1, line 17) described by Komura.

Claim 37 depends from claim 10 and should therefore also be allowable. Furthermore,

Komura's magnets are not encapsulated, as required by claim 37. Yet further, even as stated by the examiner, a plurality of the enclosing structure of Komura is totally unusable for operation within a plasma processing reactor. Komura's unencapsulated magnets are used for disk drive motor operating at atmospheric pressure far removed from a plasma reactor. The examiner is invited to state a use for Komura's magnets in the claimed plasma processing reactor. To emphasize this point, the encapsulated magnets are now recited to be operatively associated with the plasma.

The examiner has rejected claims 15-24 and 29-32 in the same logic as claims 1-3, 8, and 9 and as admitted by applicant in the reply filed on 4/28/08. No statutory basis for the rejection is presented. The logic of claims 1-3, 8 and 9 with respect to the presently rejected claims and clearly different invention of the subject claims is not evident. The reply of 4/28/08 was directed to a restriction requirement and did not present any arguments for the patentability of any claims. Its relevance is unknown. No admissions are apparent in the response. The examiner is requested to withdraw this rejection as inadequate in failing to follow the minimum requirements of 37 CFR 1.104 (c) (2). "The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." No reference is cited. The pertinence of the references is not apparent to these different claims.

The examiner describes method claims 24-28 as closely following the apparatus structure as admitted by the applicant in the reply of 4/28/08. The examiner is requested to withdraw this rejection for much the same reasons presented in the preceding paragraph. No admission for closeness between method and apparatus is seen in the response of 4/28/08. No statutory basis for a rejection is presented. No rejection is even presented.

In view of the above amendments and remarks, consideration and allowance of all claims are respectfully requested. If the Examiner believes that a telephone interview would be helpful, he is invited to contact the undersigned attorney at the listed telephone number, which is on California time.

Date: 23 January 2009
Correspondence Address
Customer Number: 60,300
Law Office of Charles Guenzer
P.O. Box 60729
Palo Alto, California 94306

Respectfully submitted,

/Charles S. Guenzer/

Charles S. Guenzer
Registration No. 30,640
(650) 566-8040